March 27, 1997   LB 873, 874

Would ask for the advancement of LB 873.

SPEAKER WITHEM: Senator Hartnett, there are no further lights on. Do you have anything further to say?   The question is, shall LB 873 be advanced? All in favor vote aye. Opposed vote nay. Have you all voted who care to vote? We are voting on the advancement of LB 873. Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 873.

SPEAKER WITHEM: (LB) 873 advances. LB 874.

CLERK: (LB) 874, introduced by the Urban Affairs Committee. (Read title.) The bill was introduced on January 22, referred to Urban Affairs, advanced to General File.   I have no amendments to the bill, Mr. President.

SPEAKER WITHEM: Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker, members of the body. This bill would provide procedures for the recall of members of board of trustees of SID. A change in election laws made in 1994 with the passage of LB 76 brought SID board of trustees for the first time on their preview of the state general recall law.   Since members of SID board of trustees are within the provision of Section 32-1302, an elected official of a political subdivision. The issue came to our attention from the Secretary of State through a question raised by Election Commission about the proposed recall campaign of SID trustees. Secretary of State, at the review of the statute, came to the conclusion that a general recall statute would be applicable and that the recall would have no process under the terms of law.   This created a problem because of the manner in which SID trustees are elected and who are eligible to vote in their election in the first instance.   As subsection (2) of Section 31-735 indicates, voting in the SID election is based on property ownership and not on residents. Even when a resident is qualified for voting for some of the trustees, the voting cast by the residents are still based on property ownership. The principle of one man, one vote does not apply.   One individual may cast more than one vote, or only a fraction of a vote. A resident may have no votes if he

2899